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PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/570,139
PCT Appl. No.: PCT/SE2004/0012629/2/2004
Applicant: Per O. RISMAN
Filing Date: March 1, 2006
Group Art Unit: Unknown
Title: MICROWAVE HEATING APPLICATOR
Docket No.: 10400-000215/US

REQUEST FOR RECORDATION OF
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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May 31, 2006

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant attaches hereto an International Preliminary Examination Report which has been issued in connection with the above-identified application. Please make this document part of the prosecution history of the present application.

Respectfully submitted,

HARNES, DICKEY & PIERCE, P.L.C.

By:


Donald J. Daley, Reg. No. 34, 313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD:amp

Attachment: International Preliminary Examination Report

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PC-21016062	FOR FURTHER ACTION		See item 4 below
International application No. PCT/SE2004/001262	International filing date (<i>day/month/year</i>) 02 September 2004 (02.09.2004)	Priority date (<i>day/month/year</i>) 02 September 2003 (02.09.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant EXH LLC			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 02 March 2006 (02.03.2006) Authorized officer <p style="text-align: center; font-weight: bold;">Philippe Becamel</p> Telephone No. +41 22 338 70 90
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 24 NOV 2004

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Awapatent AB
Box 45086
104 30 Stockholm

Date of mailing
(day/month/year)

18-11-2004

Applicant's or agent's file reference

PC-21016062

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/SE2004/001262

International filing date (day/month/year)

02.09.2004

Priority date (day/month/year)

02.09.2003

International Patent Classification (IPC) or both national classification and IPC

H05B 6/74

Applicant

ExH LLC et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE
Patent- och registreringsverket
Box 5055
S-102 42 STOCKHOLM
Facsimile No. +46 8 667 72 88

Authorized officer

Rune Bengtsson/BS

Telephone No. +46 8 782 25 00

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE2004/001262

Box No. I **Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE2004/001262

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-16</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>1-16</u>	YES
	Claims	<u></u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

Documents cited in the International Search Report:

D1: WO 9948335 A1
D2: US 5828040 A
D3: WO 03105534 A1

The cited documents represent the general state of the art.
The invention defined in claims 1-16 is not disclosed by any
of these documents.

The cited prior art does not give any indication that would
lead a person skilled in the art to the claimed microwave
heating applicator. Therefore, the claimed invention is not
obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-16 is novel
and is considered to involve an inventive step. The
invention is industrially applicable.